

## REMARKS

Prior to this Reply, Claims 1-18 and 20-33 were pending. Through this Reply, Claims 1, 18, 26, 28, 30, 32 and 33 have been amended, while Claim 20 has been cancelled. No claims have been added. Accordingly, Claims 1-18 and 21-33 are now at issue in the present case.

### I. Claim Rejections

The Examiner rejected Claims 1-18 and 20-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,889,629 to Patton III (hereinafter "Patton III") in view of U.S. Patent No. 6,594,102 to Kanda et al. (hereinafter "Kanda"). Furthermore, the Examiner rejected Claims 26 and 27 under 35 U.S.C. § 102(b) as being anticipated by Patton III. In addition, the Examiner rejected Claims 28 and 29 under 35 U.S.C. § 102(e) as being anticipated by Kanda.

In response, Applicant has amended Claim 1 to clarify that the spindle motor is braked by shorting one or more spindle motor windings and to clarify that the spindle motor is braked while the transducer head is at a location above or below a data containing area of said disk surface. Applicant believes that the above limitations are not disclosed in Patton III or Kanda.

Specifically, in Col. 6, lines 18-36, Patton III indicates that when microcontroller cannot read a track number and, therefore, is in the parking zone, the microcontroller transfers control to other software processes or ceases operation (Col. 6, lines 22-25). Patton III then provides an example of transferring control or ceasing operation. More specifically, Patton III states that the microcontroller may cause spindle motor driver to short the windings of the spindle motor, thereby generating a braking force (Col. 6, lines 25-29). In contrast to Claim 1, however, Patton

III applies a braking force only after the transducer head has moved into the parking zone (Col. 6, lines 22-25). Applicant submits that Kanda fails to supply the missing limitations.

For at least the above reasons, Applicant submits that Claim 1 is patentably distinguishable from both Patton III and Kanda. For at least the same reasons, Applicant also submits that all claims that depend from Claim 1 are patentably distinguishable from both Patton III and Kanda.

Claims 18, 26, 28, 30, 32 and 33 include limitations somewhat similar to the above-described limitations of Claim 1. Accordingly, for at least reasons similar to those provided with respect to Claim 1, Applicant submits that Claims 18, 26, 28, 30, 32 and 33 (and the claims that depend therefrom) are patentably distinguishable from Patton III and Kanda.

## II. Additional Claim Fees

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

**Fee Calculation Table**

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	31	Minus	32	= 0	x \$50 =	\$ 0.00
Independent (37 CFR 1.16(b))	7	Minus	7	= 0	x \$200 =	\$ 0.00

As set forth in the Fee Calculation Table (above), Applicant previously paid claim fees for thirty-two (32) total claims and for seven (7) independent claims. Accordingly, Applicant believes no additional claim fees are due. Nevertheless, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

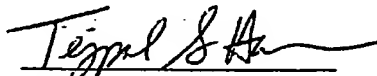
III. Conclusion

It is believed the above comments establish patentability. Applicants do not necessarily accede to the assertions and statements in the Office Action, whether or not expressly addressed.

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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